



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.400 of 2023

Saravana Kumar

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Sipcot Police Station,
Tuticorin District.
(Crime No.353/2022).

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan.Ka.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

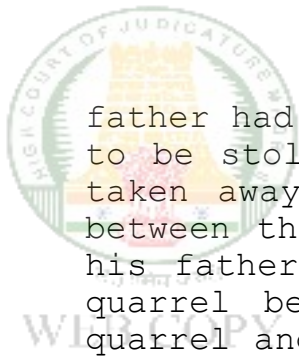
For Bail in Crime No.353/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 01.12.2022, for the offence punishable under Section 302 of I.P.C, in Crime No.353 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on account of the deceased having sold the stolen bike to the first accused, there was a dispute between them. The first accused had called the deceased to his house and he questioned the same, over which, quarrel arose between them. At that time, the accused persons have assaulted the deceased with hands and the first accused has strangulated the deceased with a rope, due to which, he died. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case, since he is the son of the first and third accused. His



father had purchased a bike from the deceased, which was later found to be stolen by the deceased. The original owner of the bike had taken away the bike from the first accused. There was a dispute between the petitioner's father and the deceased. In this regard, his father has called the deceased to their house and there was a quarrel between them. The alleged incident happened during the quarrel and other than that there was no intention to commit murder of the deceased by his father. At the time of occurrence, the petitioner was present at the occurrence place and except that there is no other overt act as against the petitioner. He would further submit that A3, who is the mother of the petitioner, was already arrested and released on bail by this Court in Crl.O.P.(MD)No.77 of 2023, dated 04.01.2023. The petitioner is in custody from 01.12.2022. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased had sold the stolen bike to the first accused and later, the owner of the vehicle had taken away the bike from the first accused, over which, there was a dispute between them. The first accused had called the deceased to his house and questioned the same. At the time of discussion, the first accused had strangulated the deceased with a rope and the petitioner being the son of A1 and A3 being the wife of A1, caught hold the deceased with hands. The petitioner has been arrested only on 01.12.2022. Hence, he would vehemently object to release the petitioner on bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and the fact that the co-accused has already been released on bail, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tuticorin, Tuticorin District and on further condition that the petitioner shall stay at Tenkasi and report before the Tenkasi Town Police Station, daily at 10.30 a.m. and 05.30 p.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police, until further orders.

sd/-

09/01/2023

/ TRUE COPY /

09/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.III,
TUTICORIN, TUTICORIN DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PERURANI,
TUTICORIN DISTRICT.
4. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
TENKASI TOWN POLICE STATION,
TENKASI.

+1 CC to M/s.RAAMAKRISHNAN.KA., Advocate (SR-381[I] dated
09/01/2023)

ORDER
IN
CRL OP(MD) No.400 of 2023
Date :09/01/2023

USK/VR/SAR- /09.01.2023/3P/8C